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**KILYK & BOWERSOX, P.L.L.C.**

*Intellectual Property Law*

*From the Desk of*  
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PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

OFFICE OF PETITIONS

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: October 23, 2007

TO: Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 10/811,320  
Entitled: COATING METHOD AND ATOMIZER  
Our Ref.: 3083-004

FROM: Luke A. Kilyk, Esq. *25*

FAC. TEL. NO.: 1-571-273-8300

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 6

Items Attached: Request To Correct Error In Small Entity Status and  
Payment of Deficiency Owed under 37 C.F.R. §1.28(c)-(d) -- 3 pages  
Fee Transmittal -- 1 page  
Credit Card Payment Form -- 1 page

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on October 23, 2007.

Kim Blum  
Name of Person signing Certificate

*Kim Blum*  
Signature

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PTO/SB/17 (07-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2007</b>		Application Number	10/811,320
		Filing Date	March 26, 2004
		First Named Inventor	TANI et al.
		Examiner Name	Ronald D. Lafond
		Art Unit	1709
<input type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		Attorney Docket No.	3083-004
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b> 1,073.00	

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**METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 50-0925 Deposit Account Name: KILYK & BOWERSOX, P.L.L.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charges fee(s) indicated below, except for the filing fee

☒ Charge any deficiency or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	\$425.00
Design	210	105	100	50	130	65	(\$385 previously paid)
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

**Total Claims** 22 - 20 or HP = 2 x \$50.00 = \$ 82.00 (\$18.00 previously paid)

**Indep. Claims** 6 - 3 or HP = 3 x \$210.00 = \$ 630.00 (\$129 previously paid)

HP = highest number of total claims paid for, if greater than 20.  
HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41 (a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = 0	/ 50 = 0	(round up to a whole number) x	\$260.00	\$ 0.00

**4. OTHER FEES(\$)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late Declaration surcharge (\$65 previously paid) \$65.00

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**SUBMITTED BY**

Signature		Registration No. 33251 (Attorney/Agent)	Telephone 1-540-428-1701
Name (Print/Type)	Luke A. Kilyk	Date	October 23, 2007

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Kim Blum

Name (Print)

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Name (Print)

*Kim Blum*  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****OFFICE OF PETITIONS**

In re the Application of:	TANI et al.	)	Examiner:	Ronald D. Lafond
Application Number:	10/811,320	)	Group Art Unit:	1709
Filed:	March 26, 2004	)	Confirmation No.:	1359
Docket No.:	3083-004	)	Customer No.:	33432

For: COATING METHOD AND ATOMIZER

**REQUEST TO CORRECT ERROR IN SMALL ENTITY STATUS**  
**AND PAYMENT OF DEFICIENCY OWED UNDER 37 C.F.R. §1.28(c)-(d)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 23, 2007

Sir:

This paper is a request to correct the error in the small entity status previously established in good faith, and upon which one or more fees as a small entity were paid in good faith, in the above-captioned application.

Based on recent discovery that such status as a small entity was established in error in this application, the applicants diligently are submitting this paper and fees in compliance with the separate submission and itemization requirements of 37 C.F.R. §1.28, paragraphs (c)(1) and (c)(2) thereof, and the deficiency payment requirement of 37 C.F.R. §1.28, paragraph (c)(2) thereof.

The following table sets forth an itemization of the total deficiency payment pursuant to 37 C.F.R. §1.28(c)(2)(ii), and includes each particular fee erroneously paid as a small entity to date in this application, the small entity fee actually paid, the date of payment, the current fee amount

U.S. Patent Application No. 10/811,320  
Request to Correct Error In Small Entity Status &  
Payment of Deficiency Owed

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(other than small entity), the deficiency owed amount, and the total deficiency owed.

For purposes of the indicated entries in the table below for the "Basic filing fee - Utility", the "Current Fee" indicated therefor corresponds to the amount indicated in 37 CFR 1.16(a)(2), which is labeled in the "United States Patent and Trademark Office FY 2008 Fee Schedule," effective September 30, 2007, as "Basic Filing Fee Utility *filed before December 8, 2004.*"

*Itemization of the Deficiency Payment*

Type of Fee	Small Entity Fee Actually Paid	Date of Payment	Current Fee (Other than Small Entity)	Deficiency Owed Amount
Basic filing fee - Utility	\$385.00	June 14, 2004	\$ 810.00	\$ 425.00
Surcharge -Late oath or declaration	\$ 65.00	June 14, 2004	\$ 130.00	\$ 65.00
Recording of assignment	\$ 40.00	June 14, 2004	\$ 40.00	\$ 0.00
Independent Claims in Excess of Three (3)	\$ 129.00	July 16, 2004	\$ 630.00	\$ 501.00
Claims in excess of 20 (2)	\$ 18.00	July 16, 2004	\$ 100.00	\$ 82.00
<b>Total Deficiency Payment Owed =</b>				<b>\$1,073.00</b>

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*Payment of the Total Deficiency Payment Owed*

Enclosed is a Credit Card Payment Form covering the above-indicated Total Deficiency Payment Owed of \$1,073.00.

In the event that any additional fees are due in connection with this paper, please charge such fees to Deposit Account No. 50-0925.

10/30/2007 DALLEN 00000008 10011320

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1073.00 OP

U.S. Patent Application No. 10/811,320  
Request to Correct Error In Small Entity Status &  
Payment of Deficiency Owed

*Notification of Loss of Status*

Pursuant to the provisions of 37 C.F.R. §1.28(d), this deficiency payment in this application, based on a previous erroneous payment of a small entity fee, will be treated under 37 C.F.R. §1.27(g)(2) as a notification of a loss of entitlement to small entity status in this application.

In view of the above, the applicants respectfully submit that the previous error in the small entity status established in this application should be excused and request the correction in the US PTO records of the entity status of this application to that of other than small entity.

Respectfully submitted,



Luke A. Kilyk  
Registration No. 33,251

Attorney Docket No. 3083-004  
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